

The regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, NJ was called to order by Mayor Oldham at 4:30pm. Commissioner Gerkens and Attorney William Hering were present, Commissioner Garofalo was on vacation.

Pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. The schedule of this meeting of the Board of Commissioners of the Borough of Harvey Cedars is listed in the notice of meetings posted on the bulletin board located in the Borough Hall and the Borough's website and was published on December 14, 2017 in the Beach Haven Times and the Asbury Park Press.

**Motion** to approve the minutes of the previous meeting, January 5, 2018, was made by Commissioner Gerkens, seconded by Mayor Oldham.

The Mayor read the following resolution by title only and asked for a motion to adopt. Copy of the full resolution is attached hereto and made a part hereof:

**RESOLUTION #2018-014:**

**ESTABLISHING A TEMPORARY CAPITAL BUDGET FOR THE BOROUGH OF HARVEY CEDARS**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

The Mayor read the following ordinance by title and number and asked for a motion to introduce.

**ORDINANCE #2018-03 FIRST READING**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE 80<sup>TH</sup> STREET WATER PLANT APPROPRIATING \$400,000 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF \$400,000 IN BONDS OR NOTES OF THE BOROUGH OF HARVEY CEDARS TO FINANCE THE SAME**

A copy of the full ordinance as introduced is attached hereto and made a part hereof.

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

Vote: Ayes – Oldham, Gerkens

The Mayor read the following resolutions by title only and asked for motions to adopt after reading each title. Copies of the full resolutions are attached hereto and made a part hereof:

**RESOLUTION #2018-015:**

**APPOINTMENT OF LOCAL EMERGENCY PLANNING COMMITTEE**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

**RESOLUTION #2018-016:**

**AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO PARTICIPATE IN THE OCEAN COUNTY CRS USERS GROUP**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

**RESOLUTION #2018-017:**

**CERTIFICATION OF RECYCLING TAXES SUBMITTED FOR THE YEAR 2017**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

**RESOLUTION #2018-018:**

**ENDORING SUBMISSION OF THE 2017 RECYCLING TONNAGE GRANT APPLICATION TO THE STATE**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

**RESOLUTION #2018-019:**

**AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO ENTER INTO AN AGREEMENT WITH THE OCEAN COUNTY BOARD OF HEALTH FOR ANIMAL FACILITY SERVICES FOR THE YEAR 2018**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

**RESOLUTION #2018-020:**

**AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH BEACH HAVEN, SURF CITY AND BARNEGAT LIGHT FOR CONSTRUCTION CODE ENFORCEMENT SERVICES**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

**RESOLUTION #2018-021:**

**DESIGNATING BANK SIGNATORIES FOR THE GREEN ACRES GRANT**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

**RESOLUTION #2018-022: Bills**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

The Mayor asked for a **motion** to open public discussion regarding the 2018 Ocean County Community Development Block Grant (CDBG) funding and stated that citizens and non-profit agencies are invited to comment on the housing and community development needs of the Borough.

Motion: Commissioner Gerkens

Second: Mayor Oldham

There was no public in attendance.

Commissioner Gerkens stated the Borough will apply for ADA compliant beach mats and for a floatable beach wheelchair.

Motion to close public discussion: Commissioner Gerkens

Second: Mayor Oldham

**Motion** to adjourn: Commissioner Gerkens

Second: Mayor Oldham

Meeting adjourned at 4:35pm.

**RESOLUTION #2018-014**

**ESTABLISHING A TEMPORARY CAPITAL BUDGET FOR  
THE BOROUGH OF HARVEY CEDARS**

**WHEREAS** the Borough of Harvey Cedars is introducing a Bond Ordinance to provide for the purchase of property; and

**WHEREAS** State law requires that any capital improvement must be included in the annual capital budget of the municipality and if it is not, then the capital improvement program must be amended to reflect this capital expenditure; and

**WHEREAS** the Borough has not yet adopted a Capital Budget for 2018 and consequently it is necessary to adopt a Temporary Capital Budget prior to the adoption of any Bond Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Harvey Cedars, County of Ocean, that the following temporary capital budget be adopted and be supplemented to the 2018 budget:

**CAPITAL BUDGET (2018)**

Project: Repairs to the 80<sup>th</sup> Street Water Plant  
Estimated Total Cost: \$400,000.00  
Debt Authorized: \$400,000.00

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be filed forthwith in the Office of the Director of Local Government Service.

MOTION TO ADOPT: Commissioner Gerkens

SECOND: Mayor Oldham

ROLL CALL:

AYES: Oldham, Gerkens

NAYS: none

ABSENT: Garofalo

PASSED ON: January 16, 2018

**ORDINANCE NO. 2018-03**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE 80<sup>TH</sup> STREET WATER PLANT APPROPRIATING \$400,000 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF \$400,000 IN BONDS OR NOTES OF THE BOROUGH OF HARVEY CEDARS TO FINANCE THE SAME**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Harvey Cedars, in the County of Ocean, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$400,000. No down payment is required in connection with the improvement or purpose as said purpose is deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$400,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is for the improvements to the 80<sup>th</sup> Street Water Plant, its related equipment, and including all other work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than 99% of par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent

of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. This is an improvement or purpose the Borough may lawfully undertake as self-liquidating improvements of a municipal public utility and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$400,000 but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$40,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and is deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) The Borough reasonably expects to commence the acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Borough hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

### NOTICE

NOTICE is hereby given that the foregoing Ordinance was duly introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars held on **January 16, 2018**. Further notice is given that said Ordinance shall be considered for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **February 2, 2018** at 4:30pm at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

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Daina Dale, Municipal Clerk

**RESOLUTION #2018-015**

**APPOINTMENT OF LOCAL EMERGENCY PLANNING COMMITTEE**

**WHEREAS** the Borough of Harvey Cedars Office of Emergency Management is required by the State of New Jersey to appoint a Local Emergency Planning Committee (LEPC); and

**WHEREAS** the Board of Commissioners desires the following individuals to serve as members of the LEPC:

Jonathan Oldham	Mayor / Emergency Management Coordinator
Judith Gerken	Commissioner / Public Information Officer
Michael Garofalo	Commissioner
Jason Marti	Fire Chief
Bill Montag	Borough of Harvey Cedars DPW
Robert Burnaford	Police Department / Dep. OEM Coordinator
Keith Baum	Business Owner
Jim Loudon	Taxpayer's Representative

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars that the above-named individuals be and are hereby appointed as members of the 2018 Local Emergency Planning Committee from January 1, 2018 to December 31, 2018.

PASSED ON: January 16, 2018

**RESOLUTION #2018-016**

**AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO PARTICIPATE IN THE OCEAN COUNTY CRS USERS GROUP**

**WHEREAS** the National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages floodplain management activities that exceed the minimum NFIP requirements; and

**WHEREAS** the CRS provides NFIP premium discounts for policy holders based on a municipalities participation and level of credit based on activities; and

**WHEREAS** the County of Ocean seeks to promote awareness and knowledge of the NFIP CRS program among the municipal officials and residents who are ultimately responsible for the implementation of local flood hazard mitigation activities; and

**WHEREAS** the County of Ocean established a Community Rating System Users Group in September 2015; and

**WHEREAS** by resolution dated September 6, 2017, the Ocean County Board of Chosen Freeholders authorized the Ocean County Planning Department to encourage municipal participation in the NFIP CRS program by providing certain professional and technical assistance to municipalities that are in need of such assistance; and

**WHEREAS** the municipalities receiving assistance from the County to advance their participation in the NFIP CRS program must follow the established Ocean County CRS Assistance Program Guidelines; and

**WHEREAS** it is the desire of the Borough of Harvey Cedars to actively participate in the Ocean County CRS Users Group; and

**WHEREAS** it is the desire of the Borough to receive certain professional and technical assistance from Ocean County to aid in the advancement of the Borough's participation in the NFIP CRS program.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey as follows:

1. The Governing Body wishes to participate in the Ocean County CRS Users Group and hereby accepts the guidelines for any requested assistance from Ocean County.
2. Copies of this Resolution shall be made available to the Ocean County Board of Chosen Freeholders; the Ocean County Administrator; the Ocean County Planning Director.

PASSED ON: January 16, 2018

**RESOLUTION #2018-017**

**CERTIFICATION OF RECYCLING TAXES  
SUBMITTED FOR THE YEAR 2017**

**WHEREAS** the Recycling Enhancement Act, P.L. 2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities; and

**WHEREAS** there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

**WHEREAS** whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars that the Borough of Harvey Cedars hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, chapter 322, in 2017 in the amount of Two Thousand Two Hundred Fifty Two Dollars and Sixty Seven Cents (\$2,252.67). Documentation supporting this submission is available at 7606 Long Beach Blvd. and shall be maintained for no less than five years from this date.

PASSED ON: January 16, 2018

**RESOLUTION #2018-018**

**ENDORING SUBMISSION OF THE 2017 RECYCLING TONNAGE GRANT  
APPLICATION TO THE STATE**

**WHEREAS** the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS** it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS** the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS** the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS** a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Commissioners of the Borough of Harvey Cedars to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS** such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars that the Borough of Harvey Cedars hereby endorses the submission of the 2017 recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Diana Stott to ensure that the application is properly filed.

PASSED ON: January 16, 2018

**RESOLUTION #2018-019**

**AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO ENTER INTO AN AGREEMENT WITH THE OCEAN COUNTY BOARD OF HEALTH FOR ANIMAL FACILITY SERVICES FOR THE YEAR 2018**

**WHEREAS** the Uniform Shared Services and Consolidation Act, NJSA 40A:65-1 et. seq., authorizes municipalities to agree to provide shared services when approved by resolution under NJSA 40A:65-5; and

**WHEREAS** it is the desire of the Board of Commissioners of the Borough of Harvey Cedars to authorize the execution of an agreement with the Ocean County Board of Health for animal facility services in accordance with the terms set forth in said Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to execute a shared services agreement with the Ocean County Board of Health for animal facility services, a copy of which is on file in the office of the Borough Clerk.

PASSED ON: January 16, 2018

**RESOLUTION #2018-020**

**AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT  
WITH BEACH HAVEN, SURF CITY AND BARNEGAT LIGHT FOR  
CONSTRUCTION CODE ENFORCEMENT SERVICES**

**WHEREAS** the State Uniform Construction Code Act, NJSA 52:27D-119 et. seq., requires that each municipality must make provisions for the enforcement and administration of the Uniform Construction Code; and

**WHEREAS** NJSA 40A:65-1 et. seq., authorizes several municipalities to agree to provide code enforcement services jointly by contract when approved by resolution under NJSA 40A:65-5; and

**WHEREAS** the Shared Services Agreement with Beach Haven, Surf City and Barnegat Light for Construction Code Enforcement Services effective April 12, 2016 through April 11, 2020 expired due to the retirement of the Construction Code Official on December 31, 2017; and

**WHEREAS** it is the desire of the Borough of Harvey Cedars to execute a new Agreement with the municipalities of Beach Haven, Surf City and Barnegat Light to jointly employ a Construction Code Officer.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey, as follows:

1. The Mayor and Clerk are hereby authorized and directed to enter into and execute a Shared Services Agreement with the municipalities of Beach Haven, Surf City and Barnegat Light for the provision of Uniform Construction Code enforcement and administration services.
2. A copy of this agreement shall be kept on file and be available for public inspection in the office of the Borough Clerk.
3. This agreement shall be effective as of January 1, 2018 and shall take effect upon full execution by the parties and shall remain in full force and effect for a period of four (4) years, expiring on December 31, 2021.
4. A certified copy of this resolution shall be forwarded to the Borough of Beach Haven, Borough of Surf City, Borough of Barnegat Light and the Construction Code Official.

PASSED ON: January 16, 2018

**RESOLUTION #2018-021**

**DESIGNATING BANK SIGNATORIES FOR THE GREEN ACRES TRUST**

**WHEREAS** OceanFirst Bank was designated as an official depository for the Borough of Harvey Cedars for the year 2018; and

**WHEREAS** the Borough desires to establish a new banking account entitled “Green Acres Trust” with authorized signors being the Mayor, Commissioner of Finance, Commissioner of Public Safety, Municipal Clerk and Chief Financial Officer.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, that the following are hereby authorized to be signors of the Open Space Trust as per the Municipal Agreement with OceanFirst Bank, copy of which is on file with the Borough Clerk:

1. Jonathan Oldham, Mayor
2. Judith Gerkens, Commissioner of Finance
3. Michael Garofalo, Commissioner of Public Safety
4. Daina Dale, Municipal Clerk
5. Laura Cohen, Chief Financial Officer

PASSED ON: January 16, 2018